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| 09/626,701 | 07/27/2000 | Jonathan Edwards | NETAP005 | 9904 |

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| EXAMINER | |
|---|---|
| REVAK, CHRISTOPHER A | |
| **ART UNIT** | **PAPER NUMBER** |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/626,701 | EDWARDS, JONATHAN | |
| | Examiner | Art Unit | |
| | Christopher A. Revak | 2131 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *08 September 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on September 8, 2000 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-14 and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "said processor utilization value" in line 6 whereby in line 3, it is recited of "processor utilization level". Claim 6 recites the limitation "said maximum processor utilization value" on lines 3-4. Claim 10 recites the limitation "the amount" on line 1. Claim 21 recites the limitation "said processor utilization value" in line 6 whereby in line 3, it is recited of "processor utilization level". Claim 21 additionally recites of the limitation "the processor" in line 5.

There is insufficient antecedent basis for these limitations in the claims.

### *Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. It is recited of a "computer program product" in line 1 and later recites on line 8 of "a computer readable medium that stores said computer codes." The "computer readable medium is further defined in claim 22 as "a data signal embodied in a carrier wave" as recited on lines 3-4. This makes the claim non-statutory because it is only recited of software alone and of itself in the claim.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,4,8,14,21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Gleichauf et al, U.S. Patent 6,301,668.

As per claim 1, it is disclosed by Gleichauf et al of a method for limiting processor utilization in regards to an analysis task (scanning for viruses)(col. 3, lines 62-65 and

col. 7, lines 3-5). The analysis task are prioritized and are to be performed in order to detect attacks wherein running a signature engine (virus scanner) scans network traffic (data) for attacks (viruses)(col. 3, lines 51-55 and col. 6, lines 39-45,51-54). A processor utilization level is defined by a threshold and if the processor utilization level exceeds a defined threshold, a priority engine disables (suspends) running of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). It is noted that the teachings of Gleichauf et al temporarily disable (suspend) the analysis tasks wherein if the processor utilization level drops below a second defined threshold, the disabled analysis task is re-enabled (col. 7, lines 10-13).

As per claim 4, Gleichauf et al discloses of a processor utilization level is defined by a threshold (maximum value) and if the processor utilization value exceed a defined threshold, a priority engine disables (suspends) running of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). It is noted that the teachings of Gleichauf et al temporarily disable (suspend) the analysis tasks wherein if the processor utilization value drops below a second defined threshold, the disabled analysis task is re-enabled (col. 7, lines 10-13).

As per claim 8, Gleichauf et al discloses of a processor utilization level is defined by a threshold and if that value is exceeded, the analysis task is disabled (col. 7, lines 1-5). It is interpreted by the examiner that any value less than the threshold is a defined average value because it is operating within normal bounds and limits.

As per claim 14, Gleichauf et al teaches of a processor utilization level is defined by a threshold (default value) and when that value is exceeded, the analysis task is disabled (col. 7, lines 1-5).

As per claim 21, it is disclosed by Gleichauf et al of limiting processor utilization in regards to an analysis task (scanning for viruses)(col. 7, lines 3-5). The teachings are software (computer program product comprising computer code) that is stored on system readable storage (computer readable medium)(col. 16, lines 61-62). The analysis task are prioritized and are to be performed in order to detect attacks wherein running a signature engine (virus scanner) scans network traffic (data) for attacks (viruses)(col. 3, lines 51-55 and col. 6, lines 39-45,51-54). A processor utilization level is defined by a threshold and if the processor utilization level exceeds a defined threshold, a priority engine disables (suspends) running of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). It is noted that the teachings of Gleichauf et al temporarily disable (suspend) the analysis tasks wherein if the processor utilization level drops below a second defined threshold, the disabled analysis task is re-enabled (col. 7, lines 10-13).

As per claim 22, Gleichauf et al recites of the use of system readable storage (system memory that is a computer readable medium)(col. 16, lines 61-62).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2,3,15,17,18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gleichauf et al, U.S. Patent 6,301,668 in view of Jones et al, U.S. Patent 5,812,844.

As per claim 2, the teachings of Gleichauf et al are silent in disclosing the use of a scanner thread. Jones et al discloses that it is known in the prior art that the use of a (scanner) threads belong to processes which in turn constitute a program (col. 1, lines 50-55). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of threads since they are known as the smallest unit of execution. Jones et al recites motivation for the use of (scanner) threads by disclosing that threads are the finest schedulable unit of execution and since they contain state information about execution of the (scanner) thread, they can continue executing if they are suspended in such a manner that allows the (scanner) thread to execute from the same point it was suspended at based on the state information stored in the stack and register contents (col. 1, lines 35-49). It is obvious that the teachings of Gleichauf et al would have benefited from the use of (scanner) threads since Gleichauf et al discloses that an analysis task can be re-enabled from a

disabled state (col. 7, lines 11-13) whereby Jones et al allows the (scanner) thread to continue from the same point it was suspended (col. 1, lines 35-49).

As per claim 3, Gleichauf et al discloses of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of (control) threads as applied to the teachings of Gleichauf et al.

As per claim 15, it is disclosed by Gleichauf et al of a system for limiting processor utilization in regards to an analysis task (scanning for viruses)(col. 3, lines 59-61 and col. 7, lines 3-5). The teachings also recite of the use of a processor that is operable to execute the teachings (col. 7, lines 1-3). The analysis task are prioritized and are to be performed in order to detect attacks wherein running a signature engine (virus scanner) scans network traffic (data) for attacks (viruses)(col. 3, lines 51-55 and col. 6, lines 39-45,51-54). A processor utilization level is defined by a threshold and if the processor utilization level exceeds a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). It is noted that the teachings of Gleichauf

et al temporarily disable (suspend) the analysis tasks wherein if the processor utilization level drops below a second defined threshold, the disabled analysis task is re-enabled (col. 7, lines 10-13). The teachings of Gleichauf et al are silent in disclosing the use of a scanner thread. Jones et al discloses that it is known in the prior art that the use of (scanner) threads belong to processes which in turn constitute a program (col. 1, lines 50-55). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of (scanner) threads since they are known as the smallest unit of execution. Jones et al recites motivation for the use of threads by disclosing that (scanner) threads are the finest schedulable unit of execution and since they contain state information about execution of the thread, they can continue executing if they are suspended in such a manner that allows the thread to execute from the same point it was suspended at based on the state information stored in the stack and register contents (col. 1, lines 35-49). It is obvious that the teachings of Gleichauf et al would have benefited from the use of (scanner) threads since Gleichauf et al discloses that an analysis task can be re-enabled from a disabled state (col. 7, lines 11-13) whereby Jones et al allows the (scanner) thread to continue from the same point it was suspended (col. 1, lines 35-49).

As per claim 17, Gleichauf et al discloses of a processor utilization level is defined by a threshold (maximum value) and if the processor utilization value exceed a defined threshold, a priority engine disables (suspends) running of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). It is noted that the

teachings of Gleichauf et al temporarily disable (suspend) the analysis tasks wherein if the processor utilization value drops below a second defined threshold, the disabled analysis task is re-enabled (col. 7, lines 10-13).

As per claim 18, Gleichauf et al discloses of a processor utilization level is defined by a threshold and if that value is exceeded, the analysis task is disabled (col. 7, lines 1-5). It is interpreted by the examiner that any value less than the threshold is a defined average value because it is operating within normal bounds and limits.

As per claim 20, Gleichauf et al discloses of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al.

10. Claims 5-7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable Gleichauf et al, U.S. Patent 6,301,668 in view of Jones et al, U.S. Patent 5,812,844in further view of Voight et al, U.S. Patent 5,623,598.

As per claims 5 and 7, it is disclosed by Gleichauf et al of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined

threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). The teachings of Gleichauf et al are silent in disclosing the use of a control thread. Jones et al discloses that it is known in the prior art that the use of a (control) threads belong to processes which in turn constitute a program (col. 1, lines 50-55). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of threads since they are known as the smallest unit of execution. Jones et al recites motivation for the use of (control) threads by disclosing that threads are the finest schedulable unit of execution and since they contain state information about execution of the thread, they can continue executing if they are suspended in such a manner that allows the thread to execute from the same point it was suspended at based on the state information stored in the stack and register contents (col. 1, lines 35-49). It is obvious that the teachings of Gleichauf et al would have benefited from the use of (control) threads since Gleichauf et al discloses that an analysis task can be re-enabled from a disabled state (col. 7, lines 11-13) whereby Jones et al allows the (control) thread to continue from the same point it was suspended (col. 1, lines 35-49).

Also disclosed by Gleichauf et al is the use of monitoring memory utilization to determine if an analysis task has reached a threshold, then disabling that analysis task (col. 7, lines 1-3,12-14). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33).

Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al. The combined teachings are silent in disclosing of the use of a sampling period. It is disclosed by Voight et al of comparing sampled (over a period) performance metrics to thresholds to determine noncompliance (col. 7, lines 23-26). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply the use of sampling periods as a means to evaluation system performance. The teachings of Voight et al recite motivation for use of sampling periods by disclosing it desirable to evaluate system performance during operations in order to anticipate situations which affect performance and to instruct a user what could be done to improve performance (col. 1, lines 42-47). It is obvious that combination of the teachings of Gleichauf et al and Jones et al would have been improved since the intent of Gleichauf et al is to disable tasks that exceed thresholds, whereby the teachings of Jones et al are relied for the use of control threads, the teachings of Voight et al offer sampling periods over time to compare with thresholds to determine when the system is not properly operating.

As per claim 6, it is disclosed by Gleichauf et al of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). Also disclosed is that threshold values are used as percentages (col. 8, lines 59-60). The

teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al. The teachings of Voight et al disclose of comparing sampled (over a period) performance metrics to thresholds to determine noncompliance (col. 7, lines 23-26). Please refer to the motivation as recited above why it is obvious to apply the teachings of Voight et al and the use of sampled periods as applied to the combined teachings of Gleichauf et al and Jones et al. The examiner is interpreting the scanner thread to be disabled if a threshold has exceeded (time period equal to the sampling period multiplied by one minus the processor utilization value) in light of the combination of Gleichauf et al, Jones et al, and Voight et al.

As per claim 7, it is disclosed by Gleichauf et al of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al. The teachings of Voight et al disclose of comparing sampled (over a period) performance metrics to

thresholds to determine noncompliance (col. 7, lines 23-26). Please refer to the motivation as recited above why it is obvious to apply the teachings of Voight et al and the use of sampled periods as applied to the combined teachings of Gleichauf et al and Jones et al. The examiner is interpreting the scanner thread to be executed if a threshold is not exceeded (time period equal to the sampling period minus the suspend time period) in light of the combination of Gleichauf et al, Jones et al, and Voight et al.

As per claim 10, it is disclosed by Gleichauf et al of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). Also disclosed is that threshold values are used as calculated percentages (suspend/run ratios)(col. 8, lines 59-60). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al. The teachings of Voight et al disclose of comparing sampled (over a period) performance metrics (run periods) to thresholds to determine noncompliance (col. 7, lines 23-26). Please refer to the motivation as recited above why it is obvious to apply the teachings of Voight et al and the use of sampled periods as applied to the combined teachings of Gleichauf et al and Jones et al.

As per claim 11, it is disclosed by Gleichauf et al of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). Also disclosed is that threshold values are used as percentages (suspend/run ratio)(col. 8, lines 59-60). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al. The teachings of Voight et al disclose of comparing sampled (over a period) performance metrics to thresholds to determine noncompliance (col. 7, lines 23-26). Voight et al additionally discloses of adjusting the host settings (suspend time)(col. 7, lines 59-60). Please refer to the motivation as recited above why it is obvious to apply the teachings of Voight et al and the use of sampled periods as applied to the combined teachings of Gleichauf et al and Jones et al.

11. Claims 12,13,16,19, and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Gleichauf et al, U.S. Patent 6,301,668 in view of Jones et al, U.S. Patent 5,812,844 in further view of "Dr. Solomon's Anti-Virus Toolkit for Workstation", herein referred to as Solomon.

As per claims 12 and 19, the combined teachings of Gleichauf et al and Jones et al are relied upon for the feature of a processor utilization level that is defined by a

threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al. The combined teachings are silent in disclosing of using an on-demand scanner to detect attacks (viruses). It is disclosed by Solomon of the use of on-demand scanners used to detect viruses (pg 67). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply an on-demand scanner to detect viruses. Solomon recites motivation for the use of on-demand scanners by reciting default setting are selected to checks for virus attacks when files are susceptible and it allows for a user to change the options to fine tune the scan for the user's requirements (pg 67). It is obvious that the combined teachings of Gleichauf et al and Jones et al would have benefited from the disclosure of Solomon as a feature of allowing the user to customize and dictate through use of an on-demand scanner to detect for virus attacks (pg 67).

As per claims 13,16, and 23, the combined teachings of Gleichauf et al and Jones et al are relied upon for the feature of a processor utilization level that is defined by a threshold and if the processor utilization level exceed a defined threshold, a priority engine (controller) disables (suspends) running (execution) of the analysis task, that

includes a signature engine (virus scanner), since the usage is limited to the threshold based on the processor utilization value (col. 7, lines 1-10). The teachings of Jones et al disclose of the use of (control) threads that instruct an operating system to suspend execution (col. 2, lines 25-33). Please refer to the motivation as recited above why it is obvious to apply the teachings of Jones et al and the use of threads as applied to the teachings of Gleichauf et al. The combined teachings are silent in disclosing of displaying a dialog box or graphical user interface/display to allow a user to customize settings. Solomon discloses of the use of a dialog box or graphical user interface/display, as shown in pages 75 and 76, to set options (pg 76). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to use dialog box or graphical user interface/display that enables a user to make customizations by adjusting settings. Fryer et al recites motivation for the use of dialog box or graphical user interface/display by disclosing that the user is allowed to adjust settings through the advanced options dialog to fine tune the scan to a user's requirements (pg 67,76). It is obvious that the combined teachings of Gleichauf et al and Jones et al would have found the teachings of Solomon to be beneficial in the aspect that the user is allowed to make customization settings to fine tune a scan through use of dialog box or graphical user interface/display (pg 67,75,76).

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kamada et al, U.S. Patent, discloses of executing processes based on changeable priorities.

Brenner et al, U.S. Patent 6,584,488, discloses of controlling allocation of resources based on a priority calculation.

Gleichauf et al, U.S. Patent 6,499,107, discloses of disabling resources based on exceeding thresholds in regards to processor utilization level.

Kouznetsov, U.S. Patent 6,029,256, discloses of setting properties of a virus scan engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 703-305-1843. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Revak
AU 2131
4/17/04

CR
April 17, 2004